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Counsel for Defendant GRAVES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW GRAVES,

Defendant.

No. CR 12-885 WHA

STIPULATION and ~~PROPOSED~~
ORDER TO MOVE MOTION HEARING
DATE TO JULY 9, 2013

Date: June 18, 2013

Time: 2:00 p.m.

Court: The Honorable William H. Alsup

Undersigned counsel stipulate as follows:

1. A motion hearing on Mr. Graves' pretrial motions is currently scheduled in this matter on June 18, 2013. The opening briefs are due tomorrow, May 21, 2013;
2. The parties are currently involved in pretrial negotiations and believe that a disposition of the case short of trial is feasible;
3. Because motion practice - specifically, the filing of the defendant's pretrial motions - will greatly interfere with the parties' mutual ability to settle the case, defense counsel is requesting a three week continuance for the filing of pretrial motions in this matter, and to move the motion hearing date to **July 9, 2013 at 2:00 pm**. This date is still well ahead of the trial date, currently scheduled for September 9, 2013. Counsel is not requesting a continuance of the trial date at this time;
4. At this time, the only pretrial motions contemplated by defense counsel are a

1 motion to suppress based on a warrantless probation search, as well as a motion
2 demanding disclosure of 404(b) material well in advance of trial (or, in the
3 alternative, a motion to exclude 404(b) material). The 404(b) motion is
4 traditionally handled as an *in limine* motion by the Court; however, the scope of
5 404(b) material involved in this case requires, in defense counsel's estimation,
6 advanced briefing and contemplation by the Court;

- 7 5. Were the Court to agree to the stipulated continuance, the briefing schedule for
8 defendant's pretrial motions would be as follows:

9 Opening Brief Due: June 11, 2013

10 Response Due: June 25, 2013

11 Reply Due: July 2, 2013

12 Hearing: July 9, 2013.

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14 IT IS SO STIPULATED.

15 DATED: May 21, 2013

_____/S/_____
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17 ELIZABETH M. FALK
Assistant Federal Public Defender
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19 DATED: May 21, 2013

_____/S/_____
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21 KEVIN BARRY
Assistant United States Attorney
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23 **[PROPOSED] ORDER**

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25 GOOD CAUSE APPEARING, it is hereby ORDERED that the motion hearing on
26 Defendant's pretrial motions is hereby continued to July 9, 2013 at 2:00 p.m. The
27 briefing schedule suggested by the parties in the aforementioned stipulation is hereby
28 ADOPTED by this Court.

IT IS SO ORDERED.

1 DATED: May 21, 2013.

2 THE HONORABLE
3 UNITED STATES DISTRICT COURT
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